

REMARKS

Currently claims 1-10, 16, and 17 are pending. As amended, the application contains claims 1, 3-10, and 16. Claims 2 and 17 have been canceled by this amendment.

Claim 17 has been rejected under 35 USC 112, first paragraph. With the canceling of claim 17, this rejection is now moot.

The Examiner has rejected claims 1, 8, 9, 16-17 under 35 USC 102(b) as being anticipated by WO 93/13055 to The Wellcome Foundation Limited. The reference is not anticipatory for the reasons set forth in Applicants' previous response. Even if, as suggested by the Examiner, the active ingredient of the presently claimed compositions was specifically disclosed in WO 93/13055, which it is not, the reference would still not be anticipatory. Applicants' claims as amended are limited to solid dosage forms and to a 1:1 ratio of the (2S)-2-amino-4-[(2-(ethanimidoylamino)ethyl]thio}butanoic acid with phosphoric acid, or a solvate thereof. Further, the only disclosure in the cited reference of compositions containing antioxidants refers to injection solutions (page 9, lines 28 – 30), while Applicants' claimed composition is a solid dosage form containing the antioxidant. There is, therefore, no hint or suggestion of an antioxidant in conjunction with a tablet or capsule in the reference.

The rejection of the application by the Examiner under 35 USC 103(a) has been maintained by the Examiner in the final official action. Applicants maintain that their specific active ingredient as presently claimed is nowhere specifically set forth in the cited reference WO 93/13055. Further, there is no disclosure of the claimed solid dosage form containing a NOS inhibitor and an antioxidant or chelating agent. Thus, the silence of the reference cannot render Applicants' claimed invention obvious as the Examiner asserts.

The Examiner has cited US Patent No.6,297,281 as state of the art. Note, there is likewise no specific disclosure in '281 of solid dosage forms containing a NOS inhibitor and an antioxidant or a chelating agent.

In view of the foregoing amendments and remarks, it is respectfully requested that the Examiner withdraw the rejections to the claims and allow the application.

A Notice of Appeal is filed concurrently herewith.

The Commissioner is hereby authorized to charge any fees required or credit any overpayment to Deposit Account No. 07-1392.

Respectfully submitted,

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